

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

TROLL BUSTERS® LLC,

Plaintiff,

vs.

ROCHE DIAGNOSTICS GMBH; ROCHE
MOLECULAR SYSTEMS; ROCHE
APPLIED SCIENCES EUROGENTEC
NORTH AMERICA INC.; CLONTECH
LABORATORIES INC.; INTEGRATED
DNA TECHNOLOGIES; LIFE
TECHNOLOGIES CORPORATION
QIAGEN NV.; THERMO FISHER
SCIENTIFIC, INC.; QUANTA
BIOSCIENCES, INC.; GENE LINK INC.;
GENSCRIPTS USA INC.; EMD
CHEMICALS INC.; TRILINK
BIOTECHNOLOGIES INC.; and
CEPHIED,

Defendants.

CASE NO: 11-CV-0056-IEG (WVG)

**ORDER TO SHOW CAUSE WHY
PROCEEDINGS ON THE
CONSTITUTIONALITY OF 35
U.S.C. § 292 SHOULD NOT BE
STAYED**

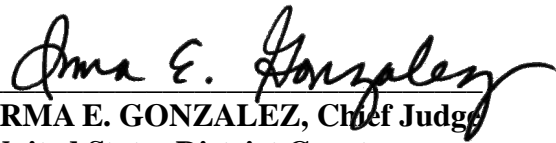
Defendants in this matter have challenged the constitutionality of 35 U.S.C. § 292, a federal statute affecting the public interest. Plaintiff argues § 292 is constitutional, and the government has intervened to defend the constitutionality of the statute. This matter, along with others raised in Defendants' respective motions to dismiss, is currently scheduled to be heard on Friday, August 12, 2011.

1 The constitutionality of 35 U.S.C. § 292 is currently pending before the Federal Circuit, in
2 *United States ex rel. FLPMC, LLC v. Wham-O, Inc.*, Civ. No. 2011-1067 (Fed. Cir. 2011). The issue
3 of § 292's constitutionality has been briefed before the Federal Circuit, and oral argument is currently
4 scheduled for July 7, 2011, in that matter.

5 The parties are hereby ORDERED TO SHOW CAUSE why the Court should not stay
6 proceedings in this matter regarding the constitutionality of 35 U.S.C. § 292 only, pending the Federal
7 Circuit's decision in *FLPMC*, Civ. No. 2011-1067. The parties may file briefs on or before Thursday,
8 July 14, 2011. There will be no oral argument.

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10 **IT IS SO ORDERED.**

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12 **DATED:** 7/6/2011

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14 IRMA E. GONZALEZ, Chief Judge
15 United States District Court
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